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FISCAL IMPACT STATEMENT

LS 7228

BILL NUMBER: SB 341

NOTE PREPARED: Mar 31, 2005

BILL AMENDED: Mar 28, 2005

SUBJECT: Various Election Law Matters.

FIRST AUTHOR: Sen. Lawson C

FIRST SPONSOR: Rep. Richardson

BILL STATUS: 2nd Reading - 2nd House

FUNDS AFFECTED: X **GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: (Amended) This bill has the following provisions:

(A) The bill authorizes imposition of civil penalties on precinct election officers who fail to perform their duties.

(B) The bill establishes a certified election worker program for education of precinct election officers and county election officials.

(C) The bill resolves a conflict in current law regarding voting in municipal elections by voters who no longer reside in a municipality.

(D) The bill permits a county voter registration office to update a voter's registration record by examining the poll list after election day to determine if certain first time voters have submitted documentation required under the Help America Vote Act.

(E) The bill specifies when affidavits executed by certain challenged voters are required to be forwarded by the county election board to the prosecuting attorney.

(F) The bill changes the time when county elected officials of certain counties begin their terms of office to eliminate a year or more delay between the date of the election for the office and the date the individual takes office. The bill provides that an individual who has been elected to a county office at least two times but who does not serve eight full years because the individual's term of office has been cut short to make the terms of

office uniform is entitled to vested status in the public employees' retirement fund and maintains other benefits to which the individual would otherwise be entitled only if the individual were serving eight years in office.

(G) The bill makes various changes to election law relating to the following: (1) Appeal of county election board decisions. (2) Precinct election officer status, training, and duties. (3) Identification of challengers, watchers, and pollbook holders. (4) Filing election related documents. (5) Withdrawal of candidates. (6) Disqualification of candidates. (7) Town convention procedures. (8) Listing of names of candidates on the ballot. (9) Requirements for the numbers of ballots provided to precincts. (10) Handling of ballots and other election materials. (11) Location of precincts. (12) Preparation of the polls. (13) Location of challengers. (14) Resolution of tie votes in elections for certain offices. (15) Filling candidate vacancies. (16) Filing petitions of nomination for school board elections.

The bill removes obsolete date references and updates other references. The bill repeals obsolete provisions. The bill resolves conflicts between SB 341 and the Title 20 recodification bill.

Effective Date: Upon passage; July 1, 2005.

Explanation of State Expenditures: (B) Under the bill, the Secretary of State would be required to administer a program for the certification of election workers. The SOS would have the discretion to establish procedures and requirements for the certification and the satisfactory completion of the program.

The bill does not specify if staff from the Secretary of State's Office would be required to conduct the program for precinct election officers.

No appropriation accompanies this provision. The funds and resources required above could be supplied through a variety of sources, including the following: (1) existing staff and resources not currently being used to capacity; (2) existing staff and resources currently being used in another program; (3) authorized, but vacant, staff positions, including those positions that would need to be reclassified; (4) funds that, otherwise, would be reverted; or (5) new appropriations. The Secretary of State's Office reverted \$5,291 to the state General Fund in FY 2004. Ultimately, the source of funds and resources required to satisfy the requirements of this bill will depend upon legislative and administrative actions.

(Revised) (G)(5)&(6) Under the provisions of the bill, the oversight responsibility of the Election Division would increase. The Election Division would likely require an increase in administrative time to fulfill the requirements of the bill. The cost to provide photocopies of party devices to counties would likely be minimal. The Election Commission could be required to hold additional hearings on the removal of a candidate's name from the general election ballot for evidence of either disqualification or withdrawal.

Background: The Election Commission/Division reverted \$63,947 to the state General Fund at the end of FY 2004. The Election Division was appropriated \$794,571 in FY 2004 and \$725,571 in FY 2005.

As of February 2004, the Election Division had 13 staff positions. Three positions: a systems analyst, an unclassified executive position, and a Governor's fellow were vacant. The other 10 positions included two attorneys, two field auditors, two unclassified executive positions, two program coordinators, and two administrative personnel.

The Election Division had printing costs of about \$260 for forms and \$2,200 for non-forms in FY 2004. The Division's resources should be sufficient to develop the forms necessary to comply with the bill.

Explanation of State Revenues:

Explanation of Local Expenditures: *Summary:* Several provisions of the bill would likely increase the administrative responsibility of county and local election authorities. Specific provisions of the bill could affect the number of ballots purchased. If fewer ballots were required, there would be a savings to the county clerk's office. The impact of this provision would depend on local action.

(B) If local election officials were charged with conducting the proposed certification program for precinct election workers, they would likely see an increase in administrative responsibilities.

(D) This provision may require additional administrative time to check if a voter submitted proper documentation. It is likely that the county voter registration office would be able to meet this requirement within existing staff and resources.

(C) & (E) The county election board would likely be able to forward the required documents, under the bill, within existing staff and resources.

(Revised) (F) Under the bill, approximately 74 county-elected holdover offices would be affected. Newly elected officials are not paid a salary while the holdover office holder is still in office. Therefore, there would be no impact on local expenditures with respect to salary.

Public Employee Retirement Fund: Based on an actuarial analysis of approximately 334 county elected officials in Indiana, unfunded actuarial accrued liability would decrease by approximately \$4,300 with an annual increase in funding of about \$2,500. The impact of this provision would have no immediate effect on employer contribution rates as a percentage of payroll.

(G)(11) This provision would allow, under unanimous consent of a county election board, for precincts to be combined in the instance where a precinct does not have an accessible facility within its borders. In addition, the provision would allow a precinct to hold its polls, with approval of the county election board of the host county, in an accessible precinct of another county. This provision could provide a cost savings to the counties involved with such an arrangement.

(G)(14) This provision could reduce the number of special elections for certain offices (circuit office, or school board offices.)

Background: Expenses to run an election include: precinct election board per diem, rental of a facility for polling (if necessary), and/or voting equipment (if necessary.) Based on a small sample of Indiana counties, per diem for election board members range from \$65 to \$150 for inspectors and from \$40 to \$100 for judges, clerks, and sheriffs.

Explanation of Local Revenues: (A) Under the bill, a precinct election officer that failed to perform an election duty would be assessed a civil penalty, if so warranted by the unanimous vote of the county election board. The civil penalty imposed by the board would not exceed \$500. The bill does not specify where the revenue would be deposited. Generally, under current law, county election law civil penalties are placed in the county campaign finance enforcement account. A precinct election officer assessed a civil penalty under this provision, would have the ability to appeal the board's decision to the circuit court.

State Agencies Affected: Office of the Secretary of State; Election Division; Public Employee Retirement Fund.

Local Agencies Affected: County election boards, precinct election boards, and holdover offices.

Information Sources: LSA sample of counties; *State of Indiana HRM Detail Staffing Report, December, 2004*; State Budget Agency: *FY2004 General and Rainy Day Fund Summaries*; State of Indiana: *List of Appropriations July 1, 2003 to June 30, 2005*; BUDSTARS; Office of the State Auditor; Dave Bottorff, Association of Indiana Counties; Doug Todd, McCready & Keane, Inc., actuaries for PERF, 317-576-1508.

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